

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 9, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Cameron, Hill, Keough, Lodge, Marley, Pearce, Richardson, Stegner, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Saige Harrington, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 8, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SJR 106

#### BY RESOURCES AND ENVIRONMENT COMMITTEE

##### A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT ALL WILDLIFE WITHIN THE STATE OF IDAHO SHALL BE PRESERVED, PROTECTED, PERPETUATED AND MANAGED TO PROVIDE CONTINUED SUPPLIES FOR THE CITIZENS OF IDAHO TO HARVEST BY HUNTING, FISHING AND TRAPPING FOR THE CONTINUED BENEFIT OF THE PEOPLE, TO PROVIDE THAT THE TAKING OF WILDLIFE, INCLUDING ALL WILD ANIMALS, BIRDS AND FISH, BY HUNTING, FISHING AND TRAPPING IS A VALUED PART OF OUR HERITAGE AND SHALL BE A

RIGHT PRESERVED FOR THE PEOPLE, TO PROVIDE THAT THE EXERCISE OF THIS RIGHT BY THE PEOPLE SHALL NOT BE PROHIBITED, BUT SHALL BE SUBJECT TO THE LAWS, RULES, AND PROCLAMATIONS OF THE STATE, AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY OR LEAD TO A DIMINUTION OF OTHER PRIVATE RIGHTS AND SHALL NOT BE CONSTRUED TO PROHIBIT OR IN ANY WAY AFFECT RIGHTS ESTABLISHED TO DIVERT, APPROPRIATE, AND USE WATER PURSUANT TO ARTICLE XV OF THE CONSTITUTION OF THE STATE OF IDAHO OR THE STATUTES AND RULES ENACTED PURSUANT THERETO, OR TO ESTABLISH EXPRESSLY OR BY IMPLICATION ANY MINIMUM AMOUNT OF WATER IN ANY STREAM, RIVER, LAKE, RESERVOIR OR OTHER WATERCOURSE OR WATER BODY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 106** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 9, 2006

The JUDICIARY AND RULES Committee reports that **S 1358, S 1359, S 1360, S 1361, S 1362, S 1363, and S 1364** have been correctly printed.

DARRINGTON, Chairman

**S 1358 and S 1359** were referred to the Agricultural Affairs Committee.

**S 1360, S 1361, S 1362, and S 1363** were referred to the Commerce and Human Resources Committee.

**S 1364** was referred to the Transportation Committee.

February 8, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SJM 114** was delivered to the Office of the Secretary of State at 1:51 p.m., February 8, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 8, 2006

The STATE AFFAIRS Committee reports out **S 1351 and H 413** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1351** and **H 413** were filed for second reading.

February 8, 2006

February 8, 2006

The JUDICIARY AND RULES Committee reports out **S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1326, S 1328, and S 1335** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1318, S 1319, S 1320, S 1321, S 1322, S 1323, S 1324, S 1326, S 1328, and S 1335** were filed for second reading.

February 9, 2006

The TRANSPORTATION Committee reports out **S 1364** with the recommendation that it do pass.

BRANDT, Chairman

**S 1364** was filed for second reading.

February 8, 2006

The EDUCATION Committee reports out **S 1316** with the recommendation that it do pass.

GOEDDE, Chairman

**S 1316** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

Senator Stegner was recorded present at this order of business.

February 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1277 and S 1278**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Janet Penfold of Driggs, Idaho, was appointed as a member of the State Board of Health and Welfare to serve a term commencing January 1, 2005, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

February 8, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Blanche M. Weber of Lewiston, Idaho, was appointed as a member of the Idaho Bingo-Raffle Advisory Board to serve a term commencing January 7, 2005, and expiring January 7, 2008.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 8, 2006

Mr. President:

I transmit herewith **H 451, HJM 10, HJM 11, H 435, and H 436** which have passed the House.

JUKER, Chief Clerk

**H 451, HJM 10, HJM 11, H 435, and H 436** were filed for first reading.

February 8, 2006

Mr. President:

I return herewith **S 1329** and **S 1330** which have passed the House.

JUKER, Chief Clerk

**S 1329** and **S 1330** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senators Cameron, Hill, Keough, Lodge, Marley, Pearce, Richardson, and Werk were recorded present at this order of business.

The President Pro Tempore announced that **SCR 120** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that **SCR 120** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Burkett. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared **SCR 120** adopted, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointments of Vaughn Heinrich and John Michael Brassey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, the Gubernatorial appointment of Vaughn Heinrich as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

On motion by Senator Cameron, seconded by Senator Malepeai, the Gubernatorial appointment of John Michael Brassey as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced the Health and Welfare Committee report relative to the Gubernatorial appointments of Daniel Fuchs and Larry R. Vincent was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, the Gubernatorial appointment of Daniel Fuchs as a member of the State Board of Health and Welfare was confirmed by voice vote.

On motion by Senator Stegner, seconded by Senator Werk, the Gubernatorial appointment of Larry R. Vincent as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1365

#### BY STATE AFFAIRS COMMITTEE

#### AN ACT

RELATING TO LOBBYISTS; AMENDING SECTION 67-6602, IDAHO CODE, TO FURTHER DEFINE "LOBBY" OR "LOBBYING" AND "PUBLIC OFFICE"; AND AMENDING SECTION 67-6619, IDAHO CODE, TO REVISE INFORMATION THAT MUST BE SUBMITTED BY LOBBYISTS IN REPORTS.

**S 1365** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 451**, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HJM 10** and **HJM 11**, by Resources and Conservation Committee, were introduced, read at length, and referred to the Resources and Environment Committee.

**H 435**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 436**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 11 a.m., Friday, February 10, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

